

AMENDED IN SENATE APRIL 14, 2009

SENATE BILL

No. 756

Introduced by Senator Ashburn

February 27, 2009

An act to add Chapter 1.6 (commencing with Section 1212) to Title 8 of Part 2 of the Penal Code, relating to parolees.

LEGISLATIVE COUNSEL'S DIGEST

SB 756, as amended, Ashburn. Parolees: drug, alcohol, and anger management treatment program.

Existing law establishes various rehabilitation programs for prisoners and parolees.

This bill would establish a pilot program for certain parolees who violate parole by providing substance abuse treatment, alcohol abuse treatment, and anger management treatment regimens lasting 16 weeks, as specified. The program would operate at 3 specified sites for 24 months, as specified.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Chapter 1.6 (commencing with Section 1212) is
2 added to Title 8 of Part 2 of the Penal Code, to read:

1 CHAPTER 1.6. PAROLEE DRUG, ALCOHOL, AND ANGER
2 TREATMENT PILOT PROGRAM
3

4 1212. (a) There is hereby created a pilot parole diversion
5 program for purposes of providing qualifying parolees who violate
6 parole with treatment for drug abuse, alcohol abuse, or anger
7 management.

8 (b) The program shall commence on January 1, 2010, with a
9 four-month period to establish sites, retain contractors, and select
10 Department of Corrections and Rehabilitation staff to provide
11 program analysis and supervision. The program shall run for 24
12 months. No referrals to the program shall be made after the
13 completion of the 18th month.

14 (c) The program shall consist of three rehabilitation programs
15 for substance abuse recovery, alcohol abuse recovery, and anger
16 management.

17 (d) The program shall operate at three sites close to public
18 transportation in industrial areas of Pomona, San Bernardino, and
19 Riverside. Each facility shall operate substance abuse recovery,
20 alcohol abuse recovery, and anger management programs
21 concurrently. A technician shall be on site to collect urine samples
22 from parolees. Each facility shall have a minimum of two private
23 armed security individuals during the hours treatment programs
24 are operating.

25 (e) Each treatment program shall be conducted by service
26 provider contractors that are not Department of Corrections and
27 Rehabilitation contractors, using existing treatment regimens, some
28 of which may already be offered inside department facilities. It is
29 a goal of the program to have three different service providers for
30 each of the three treatment programs at each site, if possible, in
31 order to evaluate which service provider obtains the best results.
32 *In the event there are no outside contractors who bid for the job,*
33 *a current contractor may be used.* Service providers shall provide
34 immediate reports to the Department of Corrections and
35 Rehabilitation on parolee participation so that any violation of the
36 program provisions will result in immediate referral to the Board
37 of Parole Hearings for action.

38 1212.1. (a) When a parole officer determines that a parolee
39 has violated a condition of parole, the parolee will be taken into
40 custody pursuant to standard operating procedures, and the

1 violation referred to a deputy commissioner of the Board of Parole
2 Hearings. The deputy commissioner will determine if the parolee
3 would be a candidate to participate in this program, including that
4 the parolee is not subject to the provisions of Proposition 36, as
5 approved by the voters November 7, 2000. The fact that the
6 commitment offense for the parolee was a serious or violent felony
7 shall not disqualify the parolee from participation in the program.

8 (b) A parolee whose parole violation consists of committing
9 another crime shall not be eligible for the program. A parolee who
10 commits another parole violation that is a crime, other than the
11 use of drugs, alcohol, or an anger event, while in the program, will
12 not be allowed to continue in the program.

13 1212.2. (a) Programming will take place in three daily shifts
14 from 0900 to 1200 hours inclusive, from 1330 to 1630 hours
15 inclusive, and from 1800 to 2100 hours inclusive, five days a week,
16 with multiple drug therapy, alcohol therapy, and anger management
17 therapy treatments taking place concurrently. The treatment
18 regimens shall last 16 weeks. Each parolee shall be provided with
19 a transit pass to the location of the program.

20 (b) Each parolee will be allowed five failures during the
21 24-month term of the program. If the parolee successfully
22 completes the program, and does not recidivate within the 24
23 months including treatment, the parolee will be removed from
24 parole supervision. Each parolee will be required to provide a urine
25 sample weekly for purposes of drug and alcohol testing, although
26 the actual number of tests shall be random, rather than for each
27 parolee for each sample.

28 (c) An independent laboratory shall process urine samples
29 provided by parolees during the programming period. A refusal
30 to provide a sample or be tested will be deemed a failure to
31 participate or complete the program. A failure to participate in an
32 assigned daily program without making up the absence immediately
33 with a drug test will also be considered a violation of the program.

34 (d) *If a parolee fails to complete the program and has been*
35 *placed in the program based upon a decision to revoke parole*
36 *which has been suspended to allow the parolee to attend the*
37 *program, the parolee shall be subject to an incarceration period*
38 *of nine months.*

39 1212.3. The standard for measuring program success shall be
40 reduction in recidivism. "Success" shall be deemed to be a

1 reduction in recidivism to 50 percent, from the current level of 70
2 percent. If recidivism is not reduced to 50 percent, the program
3 will be deemed to have failed.

4 1212.4. The program is designed to be revenue neutral, with
5 operating funds coming from Department of Corrections and
6 Rehabilitation funds that would otherwise be spent for incarceration
7 of the parolees who are enrolled in the program.